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10 Attorneys for Defendant
11 OLD REPUBLIC TITLE COMPANY

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 CONCORDE EQUITY II, LLC, a
16 Delaware limited liability company,

17 Plaintiff,

18 v.

19 KENNETH ALFRED MILLER, an
20 individual; GEORGE CRESSON, an
21 individual; LOANVEST XIII, L.P., a
22 California Limited Partnership;
23 SENTINEL INVESTMENT
24 MANAGEMENT COMPANY, a
25 California Corporation; SOUTH BAY
26 REAL ESTATE COMMERCE GROUP,
27 LLC, a California Limited Liability
28 Company; PETER SCOTT CARTER,
Jr., an individual; and OLD REPUBLIC
TITLE COMPANY, a Vermont
corporation,

Defendants.

AND RELATED CROSS-CLAIMS.

No. CV 10 1041 SC

**STIPULATION AND PROPOSED ORDER
REGARDING DISCOVERY DEADLINES**

Judge: Honorable Samuel Conti
Action Filed: February 16, 2010

Pretrial Conference: June 10, 2011
Trial Date: June 20, 2011

1 WHEREAS, Defendants GEORGE CRESSON; LOANVEST XIII, L.P.; SOUTH
2 BAY REAL ESTATE COMMERCE GROUP, LLC; and PETER SCOTT CARTER, JR.
3 recently retained new counsel Kevin R. Brodehl of Wendel, Rosen, Black & Dean LLP;

4 WHEREAS, the parties in this matter continue to negotiate the written terms of a
5 contemplated settlement reached at mediation in February 2011; and,

6 WHEREAS, the parties in good faith have encountered various challenges among
7 witnesses, documents, and counsel in coordinating their respective schedules. For
8 example, Plaintiff's Person Most Qualified Robert Fitzgerald lives out of state and has
9 informed defense counsel that he will not be available to travel to California for his
10 deposition (including the associated production of documents) until the first week of May
11 2011. Defendant Miller and/or his counsel have not been available for deposition until
12 April 28, 2011. The Loanvest Defendants have made a large supplemental production
13 of documents during the week of April 18, with some additional documents remaining to
14 be produced this week. Plaintiff contends that key documents related to the formation,
15 ownership and control of various entities at issue in the case have not been produced.
16 The depositions of Defendants Carter and Cresson have only been partially completed
17 to allow for the completion of document production before the depositions are resumed.
18 And Plaintiff has also noticed PMQ depositions for Loanvest and South Bay;

19 IT IS HEREBY STIPULATED, by and between the parties hereto through their
20 counsel of record, that the non-expert discovery deadline of April 20, 2010 be continued
21 to May 18, 2011, for the limited purpose of accommodating the completion of the items
22 noted above, as well as the deposition of witness John Sullivan, which had been
23 scheduled for April 20, 2010;

24 IT IS FURTHER STIPULATED, by and between the parties hereto through their
25 counsel of record, that the expert discovery deadline be continued to May 27, 2011 (in
26 order to accommodate the exchange of expert reports and expert witness deposition
27 scheduling); that the exchange of experts reports be continued to May 3, 2011; and that
28 the exchange of rebuttal expert reports be continued to May 27, 2011.


1 Accordingly, the parties respectfully and jointly request the Court's approval
2 pursuant to paragraph (2) of the Court's *Status Conference Order Setting Times For*
3 *Compliance With Certain Rules Of Court*, dated March 18, 2011.

4 **IT IS SO STIPULATED:**

5 Dated: April 20, 2011

GCA LAW PARTNERS LLP


6
7 By:


KENNETH R. VAN VLECK
JAMES L. JACOBS
Attorneys for Plaintiff
CONCORDE EQUITY II, LLC

8
9
10 Dated: April 20, 2011

HANSON BRIDGETT LLP

11
12 By:


BATYA F. SWENSON
JIM HOLDEN
Attorneys for Defendant
OLD REPUBLIC TITLE COMPANY

13
14
15 Dated: April __, 2011

ROPER MAJESKI, KOHN & BENTLEY

16
17 By:

JOHN G. DOOLING
TIMOTHY A. DOLAN
Attorneys for Defendants
KENNETH ALFRED MILLER and
SENTINEL INVESTMENT
MANAGEMENT COMPANY

18
19
20
21 Dated: April __, 2011

WENDEL, ROSEN, BLACK & DEAN LLP

22
23 By:

KEVIN R. BRODEHL
Attorneys for Defendants
GEORGE CRESSON; LOANVEST XIII,
L.P.; SOUTH BAY REAL ESTATE
COMMERCE GROUP, LLC; and PETER
SCOTT CARTER, JR.



4/21/11

- 3 -

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Dated: April __, 2011

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By:

KENNETH R. VAN VLECK
JAMES L. JACOBS
Attorneys for Plaintiff
CONCORDE EQUITY II, LLC

Dated: April __, 2011

HANSON BRIDGETT LLP


By:

BATYA F. SWENSON
JIM HOLDEN
Attorneys for Defendant
OLD REPUBLIC TITLE COMPANY

Dated: April 20, 2011

ROPERS MAJESKI, KOHN & BENTLEY

By:


JOHN G. DOOLING
TIMOTHY A. DOLAN
Attorneys for Defendants
KENNETH ALFRED MILLER and
SENTINEL INVESTMENT
MANAGEMENT COMPANY

Dated: April __, 2011

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Attorneys for Plaintiff
CONCORDE EQUITY II, LLC

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OLD REPUBLIC TITLE COMPANY

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MANAGEMENT COMPANY

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21 Dated: April 20, 2011

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COMMERCE GROUP, LLC; and PETER
SCOTT CARTER, JR.

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1 **IT IS SO ORDERED:**

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3 DATED: _____, 2010

4 HONORABLE SAMUEL CONTI
5 United States District Judge
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